

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

WILLIE McNAIR,	)	
	)	
Plaintiff / Counter-Defendant,	)	
	)	
v.	)	
	)	No. 2:06-cv-00695-WKW-SRW
RICHARD ALLEN, et al.,	)	
	)	
Defendants / Counter-plaintiffs.)	)	

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JAMES CALLAHAN,	)	
	)	
Plaintiff / Counter-Defendant,	)	
	)	
v.	)	
	)	No. 2:06-cv-00919-WKW-SRW
RICHARD ALLEN, et al.,	)	
	)	
Defendants / Counter-plaintiffs.	)	

**DEFENDANTS' NOTICE OF FILING**

Defendants, Richard Allen, in his official capacity as Commissioner of the Alabama Department of Corrections, and Grantt Culliver, in his official capacity as Warden of the Holman Correctional Facility, through counsel, hereby give notice that the Alabama Supreme Court has set January 31, 2008, as the execution date for James Harvey Callahan. That order, which is filed with this notice, was entered

on October 31, 2007.

Respectfully submitted,

Troy King  
Alabama Attorney General

*/s/ J. Clayton Crenshaw*  
J. Clayton Crenshaw (CRE007)  
James W. Davis (DAV103)  
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**CERTIFICATE OF SERVICE**

This is to certify that on the 1st day of November, 2007, a copy of the foregoing has been electronically filed with the Clerk of the Court using the CM/ECF system, which will electronically send a copy of the same to the following: **Anne E. Borelli and Thomas M. Goggans.**

*/s/ J. Clayton Crenshaw*  
J. Clayton Crenshaw  
Assistant Attorney General

ADDRESS OF COUNSEL:

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# **EXHIBIT A**

IN THE SUPREME COURT OF ALABAMA  
October 31, 2007

1881139

Ex parte James Harvey Callahan. PETITION FOR WRIT OF CERTIORARI TO THE COURT OF CRIMINAL APPEALS (In re: James Harvey Callahan v. State of Alabama) (Calhoun Circuit Court: CC 82-424; Criminal Appeals : 7 Div 978).

ORDER

The State of Alabama having filed a motion to set an execution date, and the same having been submitted and duly considered by the Court, it is considered that the motion to set an execution date is due to be granted.

IT IS NOW ORDERED that January 31, 2008, be fixed as the date for the execution of the convict, James Harvey Callahan, who is now confined in the William C. Holman Unit of the Prison System at Atmore, Alabama.

IT IS, THEREFORE, ORDERED that the Warden of the William C. Holman Unit of the prison system at Atmore in Escambia County, Alabama, execute the order, judgment and sentence of law on January 31, 2008, in the William C. Holman Unit of the prison system, by the means provided by law, causing the death of such convict.

IT IS FURTHER ORDERED that the Marshal of this Court shall deliver, within five (5) days from this date, a certified copy of this order to the Warden of the William C. Holman Unit of the prison system at Atmore, in Escambia County, Alabama, and make due return thereon to this Court.

IT IS FURTHER ORDERED that the Clerk of this Court shall transmit forthwith a certified copy of this order to the following: the Governor of Alabama, the Clerk of the Court of Criminal Appeals, the Attorney General of Alabama, the Commissioner of the Alabama Department of Corrections, the attorney of record for James Harvey Callahan and the Clerk of the Circuit Court of Calhoun County, Alabama by United States mail, postage prepaid.

IT IS FURTHER ORDERED that the Attorney General of Alabama is directed, forthwith, to notify the United States

District Court for the Northern District of Alabama of this order.

\* \* \* \* \*

I, Robert G. Esdale, Clerk of the Supreme Court of Alabama, do hereby certify the foregoing is a full, true and correct copy of the judgment and order of the Supreme Court of Alabama directing the execution of the death sentence of James Harvey Callahan as the same appears of record in this Court.

Given under my hand and the seal of this Court on this date, October 31, 2007.



A handwritten signature in cursive script, reading "Robert G. Esdale", written over a horizontal line.

Robert G. Esdale  
Clerk  
Supreme Court of Alabama